



Senate Labor and Industry Committee

Senator John R. Gordner

Chairman

Senate Box 203027, Harrisburg, PA 17120-3027 • (717) 787-8928 • FAX (717) 787-9715

Todd B. Roup, Executive Director • Joshua D. Funh, Counsel • Vonda K. Treaster, Committee Secretary

**SENATE BILL 654
PRINTER'S NO. 689**

SPONSOR: Sen. Argall

The legislation amends the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, to designate cancer suffered by a firefighter as an occupational disease.

Section 108 is amended by inserting paragraph (r) to provide that cancer suffered by a firefighter which is caused by exposure to a known carcinogen which is recognized "as a Group 1 carcinogen" by the International Agency for Research on Cancer (IARC) is an "occupational disease" for the purposes of the Workers' Compensation Act. Group 1 Carcinogens are those that have been classified as carcinogenic to humans by IARC. IARC is part of the World Health Organization.

Section 301(c)(1) of the Act relating to previous physical condition is amended to provide an exception for section 301(f).

Section 301 is amended by inserting paragraph (f) to:

- Require "continuous" firefighting duties for four or more years in order to invoke the presumption that the cancer was caused by the occupation of firefighting.
- Require that the firefighter passed a physical examination prior to asserting a claim or prior to engaging in firefighting duties and the examination failed to reveal any evidence of the condition of cancer in order to invoke the presumption.
- Provide that an employer (in this case a municipality) may rebut the presumption that the cancer was caused by the occupation of firefighting by "substantial competent evidence that shows that the firefighter's cancer was not caused by the occupation of firefighting."
- Require that any claim made by a member of a volunteer fire company shall be based on evidence documented by the Pennsylvania Fire Information Reporting System (PennFIRS). PennFIRS is a statewide fire data reporting system that is administered by the State Fire Commissioner. It was established to facilitate compliance with reporting requirements to the U.S. Fire Administration. The service is offered free of charge to volunteer companies that wish to participate and can be accessed online or through downloadable software.

- Provide that the limitation provided in section 301(c)(2) relating to claims having to be made within 300 weeks after the last date of employment shall apply to claims that invoke the presumption provided for in section 301(f).
- Provide that claims may be made under section 108(r) relating to claims filed pursuant to cancer suffered by a firefighter within 600 weeks after the last date of employment, but that the presumption provided for in section 301(f) shall only apply to claims made within the first 300 weeks after the last date of employment.

Section 3 of the bill provides that the Department of Labor and Industry shall submit data on the amount of successful claims processed under section 301(f) to the chairman and minority chairman of the Labor and Industry Committees of the Senate and the House two years following the adoption of the act and every two years thereafter.

Sections 4 and 5 of the bill provide that the provisions of the act shall apply to claims filed on or after the effective date and that the act shall take effect immediately.

This legislation is similar to House Bill 1231 from last session which the Senate amended and advanced by a vote of 45-4. After a unanimous concurrence vote in the House, the bill was then vetoed by Governor Ed Rendell due to the unknown fiscal impact it may have on municipalities. Since that time, there have been considerable discussions related to Senate Bill 654 and there is now broad agreement among the stakeholders on the current version of the bill.

Joshua D. Funk, Esq.
April 5, 2011

PENNSYLVANIA PROFESSIONAL FIRE FIGHTERS ASSOCIATION

2048 DERRY STREET • HARRISBURG, PA 17104

Affiliated with – International Association of Fire Fighters, American Federation of Labor, Congress of Industrial Organizations, Pennsylvania AFL-CIO, Local Labor Unions



ART MARTYNUSKA

President
333 Meadow Drive
Johnstown, PA 15905
Office (717) 221-8800 Ext. 203
FAX (717) 221-8488
Mobile (814) 525-0536
amartynuska@ppffa.org

April 4, 2011

Chairman John Gordner

DAVID W. SCHMIDT

Secretary-Treasurer
220 South 16th Street
Allentown, PA 18102
Office (717) 221-8800 Ext. 204
dschmidt@ppffa.org

351 Main Capitol

Harrisburg, Pa. 17120

DAVE CHIARAMONTE

Recording Secretary
31 Fairfield Avenue
Erie, PA 16509
Office (717) 221-8800 Ext. 205
dchiaramonte@ppffa.org

Dear Chairman Gordner,

PETER F. HUF

Vice President
1224 Edmonds Avenue
Drexel Hill, PA 19026
Office (717) 221-8800 Ext. 206
phuf@ppffa.org

On behalf of the Pennsylvania Professional Fire Fighters Association (PPFFA) I would like to encourage you to support SB 654 the Fire Fighter Cancer Presumption Bill introduced by Sen. Dave Argall. This legislation is similar to HB 1231, legislation passed by both the Senate and the House last session and then vetoed by then Governor Rendell. I would be remiss if I didn't thank Labor and Industry Committee Chairman John Gordner and his staff on the fine work they did to move this legislation forward last session and his continued help and support during the current legislative session.

GERALD TEDESCO

Vice President
814 Fawcett Avenue
McKeesport PA 15132
Office (717) 221-8800 Ext. 207
jtedesco@ppffa.org

RUSSELL P. CERAMI

BARRY J. BUSKEY
President, Emeritus

NORMAN DAVIS

Recording Secretary, Emeritus

JOSEPH G. MATTA

Vice President, Emeritus

EDMUND HAHN

JOHN J. McCORMICK
BARRY A. HALPIN
WILLIAM MURTHA
Trustees, Emeritus

Through negotiations with the stakeholders of this bill some changes were made and all sides have come to an agreement on language that represents the best interests of both the fire fighters and the municipalities they protect. Attached to this letter is the testimony in support of SB 654 by the Pa League of Cities and Municipalities, the Pa. State Association of Township Commissioners, the Delaware Valley Municipal Management Association, and the Pa. State Association of Township Supervisors from a public hearing of the Veteran Affairs and Emergency Preparedness Committee held on March 30, 2011. Include in this package is the testimony of the International Association of Fire Fighters (IAFF) and the PPFFA. We also have included a letter of support from the City of Philadelphia, a vociferous opponent of HB 1231.

STEPHEN C. RICHMAN

General Counsel

The negotiation between all parties stands as testimony to the fact that when municipalities and fire fighters sit down and communicate, a fair settlement will be achieved. This legislation is unique because four separate

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General Counsel

interests had to be protected and they are. First and foremost, the taxpayers and municipalities are protected. Municipalities have the ability to strongly rebut claims. Volunteer fire fighters are protected. This group saves the taxpayers of the Commonwealth in excess of \$2 billion a year with the services they provide their municipalities. Lastly, career fire fighters are afforded protection from the cancer causing exposures they deal with on a daily basis.

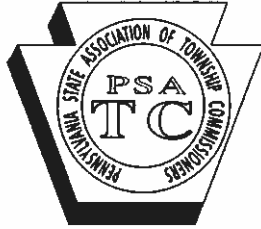
I would like to thank you for your past support of this legislation and encourage you to vote SB 654 out of the Senate Labor and Industry Committee.

Sincerely,

Art Martynuska

President

Pennsylvania Professional Fire Fighters Association



RECEIVED

MAR 07 2011

Harrisburg Office

CONFIDENTIAL

March 3, 2011

Via Email and U.S. Mail

The Hon. Dominic Pileggi
Senate Majority Leader
350 Main Capitol
Harrisburg, PA 17120

The Hon. John R. Gordner
Chair
Senate Labor & Industry Committee
351 Main Capitol
Harrisburg, PA 17120

Re: Senate Bill No. 654 (PN689)

Dear Senators Pileggi and Gordner:

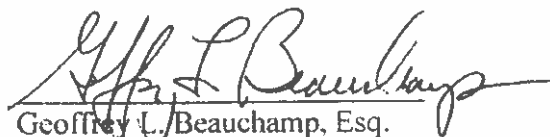
On behalf of our Associations, we hereby support the passage of Senate Bill 654. We believe that this legislation properly balances the rights of firefighters who contract cancer while in the line of duty with the fiscal responsibilities of local governments in Pennsylvania.

We also wish to commend your Committee staffs for their attention to the concerns of our members. We especially would like to thank Joshua Funk, Esq. for the hard work he has done on this legislation during the last several months.

Sincerely,



Richard J. Lee, CPCU, ARM
Administrator
Delaware Valley Municipal
Management Association



Geoffrey L. Beauchamp, Esq.
General Counsel
Delaware Valley Municipal
Management Association



Edward Troxell
Director of Government Affairs
Pa. State Association of Boroughs



Amy Sturges
Director of Governmental Affairs
Pa. League of Cities and
Municipalities and Pa. Association
of Township Commissioners



Elam M. Herr
Assistant Executive Director
Pa. State Association of Township Supervisors



Patrick J. Harvey, Esq.
Counsel for the Pa. League of
Cities and Municipalities

cc: J. Funk, Esq.
R. Poulson, Esq.



CITY OF PHILADELPHIA

OFFICE OF THE MAYOR

204 City Hall
Philadelphia, PA 19107
(215) 686-7508
FAX (215) 686-2555

CLARENCE D. ARMBRISTER
CHIEF OF STAFF

March 28, 2011

The Honorable Stephen Barrar
Chair, House Veterans Affairs and
Emergency Preparedness Committee
Commonwealth of Pennsylvania
House of Representatives
PO Box 202160
Harrisburg, PA 17120-2160

Dear Representative Barrar:

I am writing to you regarding House Bill 797, currently before the Veterans Affairs and Emergency Preparedness Committee. Last year, former Governor Ed Rendell vetoed an earlier iteration of that legislation – HB 1231 – passage of which was opposed by the City of Philadelphia.

I wanted to take the opportunity to reiterate that the City of Philadelphia believes firmly in providing compensation to firefighters who contract cancer as a result of workplace exposure.

The City stood in opposition to HB 1231, not because of disagreement with the very worthy goal which the bill sought to achieve. As is set forth more fully in the attached letters sent by the City in connection with HB 1231, the City appreciated the spirit of compromise that guided changes that were made to the form of the bill that was being considered last year in the Senate. At the end of the day, the City of Philadelphia's opposition was based solely upon certain provisions that remained in the bill that would have limited the City's ability to introduce evidence that would rebut the presumption that the illness was the result of workplace activity.

The Honorable Stephen Barrar

March 28, 2011

Page 2

It is our understanding that following Governor Rendell's veto of HB 1231, various stakeholders have been meeting in an attempt to further address the concerns raised by municipalities impacted by the legislation. It is our understanding that a compromise has been reached by various representatives from the firefighter unions and local municipalities. The City of Philadelphia was not a party to these negotiations. Although we believe that the legislation might still be further improved through additional amendments, in order to support the spirit of compromise that has culminated in the introduction of HB 797, the City of Philadelphia does not oppose the passage of this legislation. As we have stated throughout the process regarding HB 1231, we fully support the goal of ensuring that firefighters receive compensation when all of the relevant evidence demonstrates their illnesses results from workplace exposures.

As always, should you wish to discuss this matter further, please do not hesitate to contact me. Thank you for the opportunity to share our views with you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Clarence D. Armbrister". The signature is fluid and cursive, with a large initial "C" and "A".

Clarence D. Armbrister
Chief of Staff

cc: The Honorable Michael A. Nutter
The Honorable Frank A. Farry
The Honorable Chris Sainato
The Honorable John R. Gordner
The Honorable Christine M. Tartaglione
The Honorable David G. Argall